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In re application of

Toivo Kudas et al.

Serial No.10/758,866

Filed: January 16, 2004

For: COPPER POWDERS, METHODS FOR PRODUCING POWDERS,
AND DEVICES FABRICATED FROM SAME

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: DECISION ON
: PETITION
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This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a), filed December 02, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed on November 21, 2005, for failure to timely file a proper reply to the Notice of Allowance mailed January 25, 2005 be withdrawn since applicants did timely file a Request for Continued Examination(RCE) and Information Disclosure.Statement(IDS) on April 25, 2005 (A copy of the reply is attached to the instant petition as well as a copy of the stamped post card receipt and cancelled check No. 4120.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on April 28, 2005 as evidenced by the stamped postcard receipt dated April 28, 2005 and a review of the Office's financial records indicates the fee for filing a Request for Continued Examination(RCE) was charged on April 28, 2005. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Notice of Allowance is hereby vacated, and the application is returned to pending status.

The application shall be forwarded for entry, processing and consideration of the Request for Continued Examination originally filed April 28, 2005.

The Petition is GRANTED.

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